

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13083, of Christian Service Corps., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to continue the operation of a parking lot in an R-5-B District at the premises 1522-24-26 Church Street, N.W. (Square 194, Lots 50, 51 and 52).

HEARING DATE: November 24, 1979

DECISION DATE: November 7, 1979

FINDINGS OF FACT:

1. The subject property is located on the south side of Church Street between 15th and 16th Streets, N.W. and is known as 1522-24-26 Church Street, N.W. It is in an R-5-B District.
2. The subject property was originally established as a parking lot with Board of Zoning Adjustment approval by Order No. 6874, dated July 24, 1962.
3. The Board last granted permission to continue the parking lot in Order No. 12707, dated September 11, 1978, for a one year period.
4. The Christian Services Corps is an inter-denominational Christian Mission non-profit organization that recruits and trains missionaries for the United States and the world.
5. The Christian Services Corps owns a number of buildings on 16th Street that are without parking facilities. The main office, known as the Christian Inn, is a seven-floor building. The first three floors are used for teaching classes and office space. The top floors are a hotel.
6. The subject parking lot provides parking for nearby facilities of the Christian Service Corps. Particularly, it serves the Inn and has always been considered a necessary adjunct to the Inn. The applicant testified that the lot is necessary to the operator of the Christian Service Inn property at 1509 - 16th Street.
7. The Christian Service Corps owns no property that is contiguous to the subject parking lot.

8. The applicant is using the parking lot to accommodate the staff and visitors to the Christian Service Corps Inn and offices located at 1509 16th Street. Any excess parking spaces are available to the neighborhood residents and others on a charge basis.

9. Many of the Corps' staff members reside in the surrounding neighborhood and use the subject property for their residential parking.

10. The applicant has no present plans for use of the subject lot other than as a permanent parking lot as described above. The applicant testified, however, that the subject property and the Inn at 1509 16th Street are under contract to be sold to Jeffrey N. Cohen, 1710 Connecticut Avenue, N.W. Mr. Cohen's representative, Mr. William Wolfe, testified that the contract purchaser had several uses for the Inn under study but no final decision had been made. Mr. Wolfe did state that it was intended to use the Inn and the subject parking lot together with the subject lot being used for parking ancillary to the Inn property.

11. Pursuant to Paragraph 3104.44 of the Zoning Regulations, the application was referred to the Department of Transportation for its review and report on September 5, 1979. No report was received in the record of this case.

12. The applicant's traffic expert testified that the subject lot now serves little or no general commuter use since it primarily serves the Christian Service Corps. There has been some parking during the business day by persons not associated with the Corps but this will terminate because the Corps has lost access to another surface lot on Church Street and will need the subject lot. The lot serves a community function by providing overnight parking for neighborhood residents and overflow parking for St. Luke's Church and the Foundry Methodist Church. The continuation of the parking lot use will have a minimal impact on the street system in its current use or under foreseeable future uses of the subject lot and the nearby Inn.

13. The Dupont Circle Citizens Association opposed the application on the grounds that the application was for a use of the subject property as a permanent parking lot, that according to the District of Columbia Transportation Department policy parking lots in areas served by Metro should be phased out, that a permanent lot is inconsistent with the present character and the future development of this neighborhood, that the subject site is suitable for building townhouses, that houses would increase the tax base for the District more than a parking lot, that housing is lost where parking lots remain, and that the lot was not operated in compliance with previous Board Orders.

14. Advisory Neighborhood Commission 2B opposed the application on the grounds that the continuation of the parking lot is contrary to District and Federal policies, that the area is served very adequately by Metro and there is no reasonable need for the subject lot and that the continuance of the lot is detrimental to the neighborhood.

15. Mr. Jeffrey Dilly, a nearby resident and realtor, testified that the lot is properly paved and that the lot is well maintained and is properly lighted. He stated that he has observed the necessary bumper stops and other facilities required by the Board's previous Order.

16. As to the issues and concerns of the ANC, which are common to the Dupont Circle Citizens Association, the Board finds that each application must be judged on its own merits. In this case, a parking lot has been operated on this site since 1962, without creating any identifiable negative traffic effect, and without substantial harm to the character or development of the area. In fact, new development and rehabilitation of existing houses in the immediate vicinity is presently occurring. In addition, as found in finding No. 10, the subject lot is under contract of sale. Under these circumstances, the Board finds that it is not unreasonable to grant continuation of this lot for a limited period of time.

17. As to the availability of mass transit, the Board notes that the Dupont Circle station of the Metrorail system is in operation. The Board also notes that only a limited portion of the entire system is in operation, and that even with a feeder bus system it is not reasonable at this time to expect that all commuter parking lots in this area be terminated at once. The Board is mindful of the need for a balanced transportation system, and believes that as more of the Metrorail system is opened and transit accessibility increases, greater numbers of commuter parking lots should be phased out. At this point in time, the Board finds that the subject lot should be continued on the basis stated above.

18. The Board notes that no substantive report from the Department of Transportation was available at the public hearing regarding this application, and the Board is, therefore, unable to determine what if any, District or Federal policies may be violated by this application. Such policies are usually broad in scope and general in application. It remains for this Board to decide this application on the specific set of facts involved here.

19. The Board also notes that as a matter of right in an R-5-B District, the applicant could erect an apartment house with a maximum floor area ratio of 1.8, and an unlimited number of accessory parking spaces. Such a use could generate more traffic on a daily basis than the subject lot. The Board also finds that the proposed continuation of a lot would not generate any new traffic, since the use has been in existence since 1962.

20. The Board further notes that the applicant has proposed to sell the property to a purchaser who has yet to decide on his future use of this building. The Board finds that it is reasonable to allow the continuation of the lot to service the nearby building also owned by the present applicant, such building also to be sold to the same prospective purchaser. The continuation should be for a limited period of time to allow the new purchaser to reach some determination as to the future use of both building and parking lot.

CONCLUSIONS OF LAW:

Based on the record, and on the conditions imposed by the Board hereinafter listed, the Board concludes that the applicant has substantially complied with the requirements of Paragraph 3104.44 of the Zoning Regulations. The parking lot will not create dangerous or otherwise objectionable traffic conditions, will not affect adversely the present character and future development of the neighborhood and that the parking lot is reasonably necessary and convenient to other uses in the vicinity. The Board further concludes that the subject parking lot will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and that it will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and Maps. The Board further concludes that it has accorded to the Advisory Neighborhood Commission the "great weight" to which it is entitled. Accordingly, it is Ordered that this application be GRANTED SUBJECT to the following CONDITIONS:

- a. Approval shall be until December 31, 1980.
- b. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- c. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- e. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- f. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- f. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the Zoning District in which the parking lot is located.

- g. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 3-0 (Walter B. Lewis, William F. McIntosh and Leonard L. McCants to GRANT; Chloethiel Woodard Smith not present, not voting; Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 11 FEB 1980

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATION OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."